



Atty. Dkt. No. 024051-0135

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary Alan KEMP II et al.
Title: CLICK BASED TRADING WITH INTUITIVE GRID
DISPLAY OF MARKET DEPTH **RECEIVED**
Appl. No.: 09/590,692 **MAR 09 2004**
Filing Date: 06/09/2000 **OFFICE OF PETITIONS**
Examiner: R. Weisberger
Art Unit: 3624
Confirmation No.: 2769

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154 (b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Allowance dated February 10, 2004, allowing claims 22 - 70 and 89 – 95 and thank the Examiner for same. However, Applicants disagree with the Determination of Patent Term Adjustment under 35 USC 154(b) and present the following facts to support their contention that the patent term reward should be 443 days instead of 0 days.

Bases for the Adjustment: The correct patent term adjustment should be 443 days. Applicants believe that the additional 443 days are due based on 425 days beginning thirty (30) days after the filing of Applicants' Request for Continued Examination submitted to the Patent and Trademark Office (December 12, 2002) and receipt of the Notice of Allowance on February 10, 2004. These 425 days should be added to the PTO delay calculation. Applicants further believe that the calculation of Applicants' Total Delay is incorrectly set forth as 231 days instead of 154 days as

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indicated by our Patent Term Adjustment Calculation System (a copy of which is attached). Applicants received a Notice to File Missing Parts mailed August 3, 2000 and timely responded to this request on October 2, 2000. Therefore, the PTO incorrectly set forth a 46 day delay for responding to such. Applicants further believe that the PTO's calculation of 154 days delay between October 12, 2001 and March 12, 2002 is in error. Accordingly, Applicants should be granted an additional 443 days of patent term.

37 C.F.R. § 1.705(b)(2)(iii) statement: The above referenced file is the subject of a terminal disclaimer filed October 20, 2003 for Serial No. 09/590,692 and the related application Serial No. 09/894,637 both pending.

37 C.F.R. § 1.705(b)(2)(iv) statement: There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

Enclosed with this request is the fee of \$200.00 as set forth in 37 C.F.R. § 1.18(e). Furthermore, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By WT Ellis
Reg No 41514

Date: March 5, 2004

FOLEY & LARDNER LLP
Customer Number: 22428
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William T. Ellis
Attorney for Applicant
Registration No. 26,874

Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 024051-0135
 Application Number: 09/590692
 Patent Number: N/A



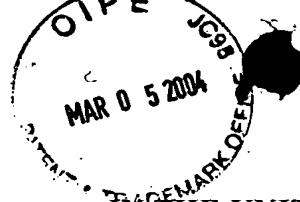
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Edit Delete	Notice to File Missing Parts	08/03/2000	55		
Edit Delete	Response to Notice to File Missing Parts	10/02/2000	115		MAR 09 2004
Edit Delete	PTO Action Response Received at PTO CLOSE WINDOW	03/13/2001	277		
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Edit Delete	PTO Action	06/08/2001	364		
	PTO Action + 3 months	09/08/2001	456		
Edit Delete	PTO Action Response Received at PTO	10/09/2001	487		
	PTO Action Response Received at PTO + 4 months	02/09/2002	610		31
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Edit Delete	Request For Continued Examination	11/12/2002	886		
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	Post-Allowance Document Received at PTO + 4 months	12/12/2002	916		123
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	Projected Patent Grant Date	08/24/2004	1,537		
			Totals:	597	154
			PTA:		443

Created and maintained by

LOGIN: Karyn-Ruth Crawley

IP: 10.31.8.222

Foley & Lardner LLP



Atty. Dkt. No. 024051-0135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary Alan KEMP II et al.

Title: CLICK BASED TRADING WITH INTUITIVE GRID DISPLAY
OF MARKET DEPTH

Appl. No.: 09/590,692

RECEIVED

Filing Date: 06/09/2000

MAR 09 2004

Examiner: R. Weisberger

OFFICE OF PETITIONS

Art Unit: 3624

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APPLICANTS' STATEMENT ON SUBSTANCE OF INTERVIEW

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Having reviewed the Interview Summary mailed on February 10, 2004 in the above-captioned application file, based on the telephonic Interview conducted on September 1, 2003, Applicants make the following clarifying remarks. Applicants agree with the substance of the Interview Summary as described by the Examiner. Applicants further point out for clarification that the product identified by Applicants that was referenced in the petition to make special in this case was the "DOME" screen of the J-Trader product.

Respectfully submitted,

By W. T. Ellis
Mar 09 2004

Date: March 5, 2004

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MAR 05 2004

U. S. TRADEMARK OFFICE

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DISPLAY OF MARKET DEPTH

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Filing Date: 06/09/2000

OFFICE OF PETITIONS

Examiner: R. Weisberger

Art Unit: 3624

Confirmation No.: 2769

REQUEST FOR CLARIFICATION

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

We have recently received the Notice of Allowance in the above-identified case. In reviewing the Form PTO-37, the undersigned notes that the number of allowed Claims is listed as 54; Claims 22-70 and 89-93.

The allowed Claims are Claims 22-70 and Claims 89-95, the correct number of allowed claims is 56.

Therefore, it is requested that the Examiner issue corrected Form PTO-37, indicating that the number of allowed Claims in the application is 56, Claims 22-70 and Claims 89-95.

Respectfully submitted,

By WES M 4/15/04

Date: March 5, 2004

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